

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

---

**No. 17-7538**

---

JACKIE EMMITT MOOREHEAD,

Petitioner - Appellant,

v.

STATE OF NORTH CAROLINA,

Respondent - Appellee.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Robert T. Numbers, II, Magistrate Judge. (5:17-hc-02086-D)

---

Submitted: June 6, 2018

Decided: June 19, 2018

---

Before DUNCAN and AGEE, Circuit Judges, and SHEDD, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Jackie Emmitt Moorehead, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jackie Emmitt Moorehead seeks to appeal the magistrate judge's report and recommendation construing Moorehead's 28 U.S.C. § 2241 (2012) petition as a successive and unauthorized 28 U.S.C. § 2254 (2012) petition and recommending that the petition be dismissed without prejudice on that basis. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The magistrate judge's report and recommendation is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*